

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

P.S. - T & A (Gaz) Services - Allegations of seeking illegal gratification and bringing disrepute to the Department on Sri Veggalam Krishnama Chary, S.T.O. (Retd.), Madhira, Khammam Dist. - Departmental proceedings Initiated under Rule 20 of A.P.C.S. (CC&A) Rules, 1991 - Inquiry Conducted - Punishment of withholding of 20% of his pension for 5 years - Orders - Issued.

FINANCE (Admn.III) DEPARTMENT

G.O. Ms. No.

Dt. -7-2008

Read the

following:

1. Preliminary report of the Deputy Director, Dist. Treasury, Khammam
Dt. 7-3-2005.
2. Charge Memo. Rc.No.A1/DD/Confdl/KMM, dt.19-3-2005 issued by The Deputy Director, Dist. Treasury, Khammam Dist.
3. Written statement of defence of Sri V. Krishnamachary, S.T.O. (Retd.),
Madhira, Khammam Dist.
4. Explanation of Sri V. Krishnama Chary, S.T.O. (Retd.), Madhira, Khammam
Dist. dt. 15-4-2005, 2-3-2006, 9-10-2006 and 16-10-2006.
5. Enquiry Report of the Enquiry Officer dt. 11-12-2006.
6. Lr. No.KII(6)/4522/2005, dt. 19-1-2007 from the D.T.A., A.P., Hyderabad
7. Govt. Memo. No. 243/50/A1/Admn.III/2007, dt. 30-4-2007, Finance
(Admn.III) Dept.
8. Representation of Sri V.Krishnamachary, S.T.O. (Retd.) dt. 24-5-2007
9. Govt. Memo. No. 243/50/A1/Admn.III/2007, dt. 12-9-2007, Finance
(Admn.III) Dept.
10. Representation of Sri V. Krishnamachary, S.T.O. (Retd.), dt. 10-10-2007.
- 11.Lr. No. 586/RT-I/1/2008, dt. 1-7-2008 from the Secretary, A.P. Public
Service Commission, Hyderabad.

O R D E R:

A news item was published on 19-2-2005 in Eenadu District Edition, Khammam that "Attender dhwaara STO ku lancham - Eenadu - ETV nighaa lo velladi". Basing on the allegations against Sri V. Krishnama Chary, the then Sub-Treasury officer, Madhira, Khammam District and presently STO (Retd.), the Dy. Director, Dist. Treasury, Khammam has conducted a preliminary enquiry vide D.D., Dist. Treasury, Khammam Lr. Dt. 7-3-2005 and disciplinary proceedings have been initiated against him and the following charges were framed vide reference 2nd cited.

Charge-I:

That Sri V. Krishnamachary, Sub-Treasury Officer, Madhira, on Feb. 17, 2005 has failed to follow the procedure prescribed in A.P. Treasury Code, A.P. Accounts Code and Functionary Manual of T & A Department while admitting and passing for payment M.P.P. Education Fund cheques without the availability of the concerned ledger at his place of work, Sub-Treasury, Madhira.

Charge-II:

That Sri V. Krishnamachary, Sub-Treasury Officer, Madhira during the period from Feb. 17, 2005 to Feb. 18, 2005 has demanded and sought illegal gratification for doing his legitimate duty - passing for payment M.P.P. Education Fund cheques at Sub-Treasury, Madhira, thereby exhibiting lack of integrity, devotion to duty, conduct unbecoming of a Government Servant

and, by acting in a manner which placed his official position in an embarrassing situation, brought disrepute to the department, in contravention of rule 3 (1), (2) and (3) of A.P. Civil Services (conduct) Rules, 1964.

2. The C.O. has submitted his written statement of defence vide reference 3rd cited wherein he has stated that on 17-2-2005 Sri A. Bhaskar, Head Master and Senior U.T.F. Leader of Z.P.U.P.S., Royapatnam came with cheque at 11.00 a.m. bearing No. C.985071, dated 16-2-2005 of M.E.O., M.P.P., Madhira, concerned I/C Accountant Sri T.V. Sastry of his office has told him that cheque cannot be passed as the concerned Ledger is not available. The balances of various deposit accounts whose cheques are required on enroute sub-treasury before payment have been extracted so as enable the S.T.O. to enface the cheques presented, if any, when the Ledges are not available. The Treasury cannot withheld or refuse payment of any cheque presented at the treasury on the plea of the non-availability. The cheque was passed on 17-2-2005 and the same was encashed on that date only. No time was taken for pass the cheque. He also stated that the criteria in honouring the cheques presented at Treasury is by ascertaining i) whether the cheque has been taken out from the Cheque book notified as issued by the Administrator. ii) Availability adequate balance to cover the expenditure of the cheque presented iii) Signature of the Administrator and receipt of the receiver by identification, availability of the sufficient budget is criteria and non-availability of concerned deposit ledger with which the presenter of cheque nothing to do. Hence this charge is untenable. Regarding the observations of D.D. in Annexure-II that the alleged cheque bearing No. 985071, dt. 17-2-2005 for Rs.26,464-00 issued by the M.E.O., M.P.P., Madhira, that was passed in contravention to codal provision is totally wrong as explained item-wise hereunder. i) A separate ledger account is maintained for accommodating the transaction of M.P. Education Funds is maintained as required to the article 68 of Account Code Vol.II. ii) There is a balance of Rs.10,87,009/- was available as at the end of 16-2-2005. The cheque bearing no. 985071, dt. 16-2-2005 for Rs.26,464/- can be admitted with any reservation. The S.T.O., Madhira is a Sub-ordinate to the D.T.O., Khammam has sent the concerned Ledger to the Dist. Treasury office, Khammam for reconciliation with which the presented is least bothered no sooner the ledger is received back from Dist. Treasury Office, Khammam. The transaction has been recorded. Hence the provision of 22 under T.R. 16 A.P.T.C. Vol.I have not been contravened. The balances has been struck of. Hence he carried out his legitimate duties without any reservations. He also stated that it is not correct that he failed to perform his duties in contravention to any code Rules. Hence the charge is not correct and tenable. **Charge-II:** He has not accepted any amount from Sri B. Kotaiah or from anybody. He came to know that the amount was paid to contingent employee Smt. Veeramma only from News paper on 19-2-2005. The same was handed by her to the Director, Dist. Treasury, Khammam on his enquiry on 19-2-2005. . Hence the charge may be dropped.

3. Not satisfied with the Written Statement of defence, a regular enquiry was conducted wherein the charges were held as not proved.

4. Government disagreed with the findings of the Enquiry officer and the individual was given opportunity to Rule 21 of A.P.C.S. (CC&A) Rules, 1991 along with the reasons for not accepting the Enquiry Report and C.O. was requested to submit his representation vide reference 7th cited.

5. The Charged Officer has submitted his representation through the reference 8th cited to the opportunity given on the Enquiry Report and on the reasons given for not accepting the Enquiry Report, which is not convincing.

6. After following due procedure Government have issued Final Show Cause notice to Sri V. Krishnamachary, S.T.O., (Retd.) under Rule 9 of A.P. revised Pension Rules, 1980 on the proposed punishment of withholding of 50% of his pension for 5 years vide reference 9th cited.

7.. The A.P. Public Service Commission in their letter dt. 1-7-2008 has observed as follows:

“After careful examination of the disciplinary case in the light of the records made available, Commission opined, that “since the charges were not proved, the punishment imposed seems to be high and it is better to impose 20% cut in pension for 5 years” on Sri V. Krishnamachary, S.T.O. (Retd.) and advised accordingly.”

8. Government after careful examination of the matter, have accepted the advise of the A.P. Public Service Commission and hereby impose the punishment of “withholding of 20% of his pension for 5 years” on Sri V. Krishnamachary, S.T.O. (Retd.), Sub-Treasury, Madhira, Khammam Dist.

9. The Director of Treasuries & Accounts, Hyderabad is requested to take further action in the matter accordingly.

10. The G.O. is available on Internet and can be accessed at the address <http://www.goir.ap.gov.in>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA
PRADESH)

VASUDHA MISHRA
SECRETARY TO GOVERNMENT (FP)

To
The individual
(through the D.T.A., A.P., Hyd.)
copy to: The D.T.A., A.P.,
Hyderabad.

// Forwarded :: By Order //

SECTION

OFFICER